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09/801.614REMARKS**Summary of Telephone Examiner/Attorney Interview 11/16/04.**

Applicants thank Examiner for the interview granted to their attorney, J. B. Kraft on November 15, 2004. In that interview Applicants' attorney discussed with Examiner, our intention of amending the claims so that each independent claim had two additional elements in order that the combination of elements better defined the present invention. In accordance with the present amendment, each independent claim and thus each claim herein now includes the elements of storing for each of said plurality of data files, a backup file inaccessible to user requests and reloading a backup file for each destroyed file. The claim will also set forth that data files are destroyed upon initial unauthorized entry. The effect of this amendment will be discussed in greater detail hereafter in Applicants' Argument.

Applicants' Argument.

In order to establish patentability of the present invention over the combination references applied by the Examiner, the claims have been amended to focus on the gist of the present invention. Dependent claims 2, 3, 6, 8, 9, 11, 12, 15, 16, 18, 19, 22, 23, 26, 28, and 29 have been cancelled, and their elements incorporated into the independent claims from which they depend.

Accordingly, the rejection of independent claims under 35 U.S.C. 102(b) is no longer applicable because of the limitations in remaining claims. Thus, Applicants respectfully traverse the rejection of remaining claims 1, 4, 5, 7, 10, 13, 14, 17, 20, 21, 24, 25, 27, and 30 as being

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11

PATENT
09/801.614

unpatentable under 35 U.S.C. 103(a) over the combination of Schneck (US5,933,498) in view of Gorshon (US6,351,811). The two references like the present invention do relate to the protection of data files in networks from unauthorized intrusions. However, the two references, neither singly or in combination suggest the specific implementation of the present invention for such data protection.

The present invention involves the recognition that in some systems, the data files may be so sensitive that the system may be programmed to have the requested files destroyed at the first unauthorized request for access to the file contents. Thus, the invention provides a very aggressive solution to the problem. It provides for storing for each of the plurality of data files at a network site, a backup file which is inaccessible to any user requests. Then, as soon as an initial unauthorized intrusion is determined, the requested data files are destroyed, and respective stored backup files are substituted for the destroyed files.

While the Schneck and Gorshon patents show the elements of this invention functioning in a variety of combinations, the aggressive solution to intrusion of this invention is not shown. Schneck does teach that data found to be corrupted by unauthorized intrusion should be destroyed, but the patent does not disclose the concept of backup files inaccessible to user requests which are then substituted for destroyed data files.

Examiner looks to Gorshon to make up for these deficiencies in Schneck. Gorshon does disclose backup network data storage, e.g., more deeply encrypted Web pages. It is conceivable that one skilled in the art could be argued to consider, from these two references, that destroyed data could be replaced from backup storage.

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12

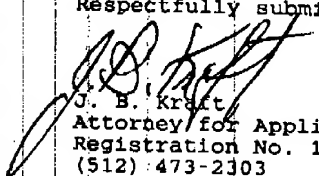
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However, the teachings of these two references would be quite generally directed to a system wherein a security procedure detects unauthorized intrusion into data.

It is submitted that the combination of the two references still does not teach our aggressive implementation of storing for each of the plurality of data files at a network site, a backup file which is inaccessible to any user requests. Then, as soon as an unauthorized intrusion is initially determined, the requested data files are immediately destroyed, and respective stored backup files are substituted for the destroyed files. The remaining claims as amended clearly set forth this aggressive solution.

In view of the foregoing, claims 1, 4, 5, 7, 10, 13, 14, 17, 20, 21, 24, 25, 27, and 30 are submitted to be in condition for allowance, and such allowance is respectfully requested.

Respectfully submitted,



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AUS920000935US1

13

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